

CALFED Bay-Delta Program
Consultation With California Tribal Governments
Thursday, September 2, 1999

Meeting Minutes

Attendees

Jim Brown III, Elem
Homer Dollar, Dry Creek Band of Pomo
Alec Garfield, Tule River Tribe
Paul Hamai, NRACE/Tule River Tribe
Dave Hillemeier, Yurok Tribe
Bob Hogan, Scotts Valley Band of Pomo
Danny Jordan, Hoopa Valley Tribe
Bruce LaRue, Santa Rosa Rancheria
Bessie Lee, Yurok Tribe
Robert Quitiquit, Robinson Rancheria
Mike Schaver, Big Valley Rancheria
Michael Umbrello, Laytonville Rancheria

Alf Brandt, DOI
David Cottingham, DOI Water & Science
Jim Fitch, USEPA, SDBO
Frank B. Fryman, BIA Pacific Regional Office
Douglas Garcia BIA, Central CA Agency
Luana Kiger, USDA, NRCS
Patrick Leonard, U.S. Fish & Wildlife Service
Col. Peter Madsen, U.S. Army Corps of Engineers
Felicia Marcus, USEPA
Dale Morris, BIA, Pacific Regional Office
Brad Powell, U.S. Forest Service
Kirk Rodgers, USBR, Mid-Pacific Region
Mike Smith, BIA, Pacific Regional Office
Lester Snow, CALFED
Gary Stern, National Marine Fisheries Service
Steve Stockton, U.S. Army Corps of Engineers
Virgil Townsend, BIA, So. CA Agency
Patrick Wright, California Resources Agency
Walter Yep, U.S. Army Corps of Engineers

Welcome/Introductions

Colonel (P) Peter Madsen, South Pacific Division Commander of the U.S. Army Corps of Engineers, welcomed the tribal government representatives and provided general comments on the importance of CALFED to California water policy. David Cottingham, Counselor to the Assistant Secretary of Water and Science at the U.S. Department of the Interior, provided a general introduction as to how the relationship between tribes and CALFED has developed over the last year. Patrick Wright, Deputy Secretary from the California Resources Agency, joined in the welcome and expressed the state's interest in working with tribal governments on issues related to CALFED and the many other natural resource issues addressed by state agencies.

Regional agency leaders from EPA, US Forest Service, Bureau of Reclamation, Natural Resources Conservation Service (USDA), and the Bureau of Indian Affairs made some general remarks regarding the importance of tribal participation in CALFED and how their agencies can foster consultation and consideration of tribal concerns.

CALFED Program Overview

Lester Snow, Executive Director of CALFED, provided a general overview of the CALFED Program and explained the current status of the governance and finance issues. A video was shown that described the CALFED program strategies (ecosystem restoration, levees, water quality and water management) and the program elements.

Tribal Comments and Discussion

Mike Schaver (Big Valley Rancheria) opened the discussion, describing his experience serving on the CALFED Bay-Delta Advisory Council, which provides him information to assist other tribes in working with CALFED. He also raised the issues of tribal fishery trust assets (too much compromise), governance/funding (tribes should have role in funding priority decisions), Adobe Creek Reservoir, lack of formalized water rights for tribes (Delta needs more water/how will need affect tribal rights). He suggested that tribal scientists should be on Ecosystem Roundtable. Subsequently, Mr. Schaver suggested that retired lands could be used for tribal purposes.

Alec Garfield (Tule River Reservation) asked about impacts on Tule River area. Kirk Rodgers and Lester Snow identified land retirement and watershed programs as having impacts. He also suggested that all tribes should receive copies of the Presidential Executive Order and Secretary of the Interior orders regarding federal relationships with tribal governments. BIA agreed to provide this information.

Michael Umbrello (Laytonville Rancheria) urged CALFED to consult with individual tribes and focus on the effects on each tribe. He also urged the tribes to unite in working with CALFED.

Bruce LaRue (Santa Rosa Rancheria) asked whether CALFED could provide greater information and technical assistance to individual tribes as to how CALFED policies and programs would affect them. He suggested that his tribe receive all the latest scientific reports on water quality and supply in his area, particularly groundwater. There was some discussion as to the land retirement program in his area. Further responding to Mr. LaRue, Felicia Marcus (EPA) suggested that CALFED could make more information available at already scheduled tribal meetings, such as EPA's annual tribal environmental conference, NTEC or NCAI. Subsequently, she suggested that CALFED consider establishing a tribal watershed program, with money specifically identified for tribal watershed efforts.

Danny Jordan (Hoopa Valley Tribe) requested agencies involved in both CALFED and Trinity River decisions to maintain coordination, but separate decision tracks. He noted some recent appropriation language pending in Congress. Lester Snow explained that CALFED was not going to play a role in the Secretary of the Interior's decision on the Trinity River, but acknowledged that Central Valley water supplies would be affected by the Trinity Decision. Thus, CALFED must acknowledge alternatives being considered on the Trinity River. Mr. Jordan expressed some hesitation at taking CALFED money for Trinity River restoration efforts, to avoid any connection with CALFED. He also expressed an interest in the CVPIA Restoration Fund and urged DOI to balance advisory group (which often include less than a majority of Indians) suggestions with trust responsibilities.

Jim Brown (Elem) emphasized the importance of cleaning up Sulphur Springs Mine, which is adjacent to his tribe. He noted that some agency efforts on that issue have not considered the effect on his tribe or the tribe's role in the clean-up.

Robert Quitiquit (Robinson Rancheria) suggested that CALFED specifically include tribes in Program publications. He gave as an example the recent CALFED request for proposals, which did not specifically identify tribes as possible grant recipients.

Follow-up Actions

In addition to the general discussion responding to each comment, Lester Snow identified a number of actions that CALFED would take to follow-up on this consultation. CALFED will

- send representatives to EPA's environmental conference in late October and would inquire into participation at the NCAI conference in Palm Springs in early October.
- print an article drafted by Robert Quitiquit and Mike Schaver regarding the tribal consultation in its next newsletter.
- begin further consultation with tribes, starting with phone calls to certain tribes most likely to be affected in Stage 1 of CALFED implementation. There was a general conclusion that consultation would be more productive if it occurred with individual tribes, discussing the particular impacts to each tribe and each tribe's particular needs.